

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
NOVEMBER 14, 2007**

CALL TO ORDER A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Michael Mower, Randy Toavs, Gordon Cross, Gene Dziza, Kathy Robertson, Barry Conger, Kim Fleming, and Don Hines. Frank DeKort had an excused absence. Alex Hogle, Kirsten Holland, and Jeff Harris represented the Flathead County Planning & Zoning Office.

There were approximately 30 people in the audience.

PUBLIC REVIEW Gene Dziza reviewed the public hearing process.

APPROVAL OF MINUTES Toavs made a motion seconded by Cross to approve the minutes from the October 17, 2007 meeting as amended.

Fleming stated the name on page 4 should be Schellinger.

Fleming also stated condition #28 (*pg 8*) doesn't read right and asked staff to check on the wording and make sure it was correct.

The motion carried by quorum.

PUBLIC COMMENT
(not related to agenda items) Lacy Galpin, 1885 Stillwater Road, requested the board schedule the continuation of the Riverdale Neighborhood Plan hearing as soon as possible particularly in light of the fact there will be new board members in January.

FZC-07-08: ZONE CHANGE/MURER A Zone Change request in the Bigfork Zoning District by Loyal and Marilyn Murer, from SAG-5 (Suburban Agriculture), to R-1 (Suburban Residential). The property is located at 7940 Highway 35 and contains 14.58 acres.

STAFF REPORT Alex Hogle reviewed Staff Report FZC-07-08 for the Board.

BOARD QUESTIONS Fleming asked if there was any thought given to an R-2 designation being it is right by the sewer line.

Hogle stated R-2 requires a higher density than R-1 and even though the surrounding properties are R-2 the applicant did not request that particular zoning designation. R-1 would tend to compliment that, it wouldn't aggravate the area in terms of compatibility with neighboring land uses. It's actually less dense than the surrounding area. They had not pursued the R-2 zoning designation.

Fleming stated even though they were not looking at a subdivision she wanted to point out the sewer is by the highway out there and they are

in the water & sewer district. She wondered what the status of new hook-ups was.

Hogle said they are very limited and are at or near capacity. However, it is a project currently in the process of increasing the capacity of the system. He stated at the BLUAC meeting a representative of the water & sewer district was there and said any new units or lots being created would be required to connect to the system.

Fleming said it would make more sense to make the zoning designation denser.

Hogle stated septic systems would not be permitted. The lay of the land is relatively undeveloped, steep and forested. However, it's comprised of a series of shelves, those dictating where the probable and potential building sites would be. They are limited topographically and he felt 1 acre sites were appropriate.

APPLICANT PRESENTATION

Erica Wirtala, of Sands Surveying, represented the applicant. The Murers asked for a zone change from SAG-5 to R-1. The property had been for sale for quite some time when they entered into a buy-sell agreement with a gentleman. They had a zone change application to change the 14 acres to R-4; the buyer had many discussions with the Bigfork Water & Sewer District office and was told he could annex the property into the district, which the property has now been annexed. However, he was told the capacity at the treatment plant was maxed out and he was unable to provide a will serve letter, which is critical for a zone change application, so he abandoned the buy-sell agreement with the Murer's. She stated they had sketched out a project to accommodate the R-4 zoning but it would have taken out all the trees and bulldozed the property flat. This is a lovely piece of property and it could accommodate 3, maybe 4 homes to retain the large oak trees on the property. This was their rational knowing the sewer capacity was limited. The way she understood, with her limited knowledge of DEQ, is there is an existing home in place currently used as a rental property and that is working on a traditional drain field and septic system. Should that system fail, Bigfork could incorporate that into the municipality. If we were to propose other drain fields, a proposed septic system would cost 3 times as much to put in sewer, given the rock and substantial slope in the area, there would be quite a bit of blasting and perhaps a lift station would have to be put in. It could be that individual septic systems could be approved by DEQ, but their greatest hope would be that Bigfork could expand its capabilities. When an applicant comes forward with a zone change, it is staffs' job to look at the worst case scenario. You don't always get a ten acre parcel that would equal ten straight lots. You automatically take a third off your lots for infrastructure. She said should this site be raised and no environmental constraints exist, the maximum could be 14 acres with perhaps 10 or 11 lots with roads and driveways. Under

the law, Hogle reviewed this project using the Bigfork master plan map adopted in 1993. It is now 2007 and that was the first run at a master plan and they had done a tremendous amount of work to make a land use map. But we are looking at a map that is 17 yrs old. The Bigfork steering committee and members of the BLUAC committee have been working on a new master plan and a new vision for what they feel Bigfork should look like. They have been working hard going through the document painstakingly and very detailed and they anticipate this document would be ready sometime in January. They haven't set forth their map yet so she didn't have anything to show the board what the committee was thinking about for the area. She had a draft copy of the plan but stated she couldn't apply the goals and policies to this zone change application since it hasn't been adopted yet. They took a risk applying for the zone change not knowing when the new neighborhood plan might be adopted by the county. The property is surrounded by high density uses and had never functioned as an agricultural piece of land. The applicants have no intention of doing that. The property, as it is zoned, could be split into 2 parcels. There is a clustering designation and they could get a 50% bonus on that. But when you utilize the cluster provision you have to make the sacrifice of 60% open space designation. The Mureres looked at the clustering option and decided the 60% dedicated open space left them with some reservations as to who would care for the open space. They didn't want to leave that in the hands of a homeowners association. They felt R-1 would be a better fit for the property, not to squeeze the maximum amount of land on there, maybe 3 or 4 lots on the parcel, and make sure the property will be well taken care of. There are slope and bedrock constraints that will allow fewer lots than 14. She spoke of the BLUAC meeting at which a man spoke of an accident in 'icebox canyon' and was concerned about increased traffic in that area. She pointed out the speed limit had been reduced and a huge amount of thinning had taken place. She stated the area is not as treacherous as it once was in the past. Currently there is only 1 driveway on the property and an applicant wishing to come in with a preliminary plat would have to work with MDT, look at site distances and other driveways in the area and get approval for that. She spoke of state law and staffs use of the adopted growth policy. She felt they met a good percentage of the 12 criteria and she pointed out this is an evaluation of criteria; a proposal does not have to meet or exceed all of the criteria in order to forward a positive recommendation.

Loyal and Marilyn Murer stood and stated they agreed with what had already been said. They would like to see it put through so they can offer something to a buyer other than 2 lots.

**PUBLIC
COMMENT**

Sherry Hanson wanted to touch on 2 points. She spoke of an accident that happened 20 years ago not being relevant to this application today. She stated it was more appropriate to have higher density closer to town instead of in the more rural areas.

John Borquin represented BLUAC and stated he was there if the board should have any questions regarding what happened at that meeting.

Sue Hanson said Hogle did a very nice job representing what took place at the BLUAC meeting. There were a number of concerns about safety as there is a large commercial project going on just across the road from this property and another one that had recently been approved, so the traffic is going to increase. She asked the board what the policy is for zone changes solely for the purpose of selling the property or making the property seem more valuable. She said this property had been marketed as R-1, a 14 lot subdivision, pending a zone change. She was curious what the county policy was to change zoning so the property can appear more valuable to a buyer.

**STAFF
REBUTTAL**

None

**APPLICANT
REBUTTAL**

Wirtala wanted to clarify the realtor had said this had only been advertised as the property is zoned now. So it had been advertised as SAG-5. She thought the landowners had every right to apply for a zone change on their property no matter what they intend to do with it.

Harris responded to Hanson's question stating that for clarification we do not consider marketing the property as a reason to rezone. What we do look at is whether there is public infrastructure to the site to support whatever zoning district is being applied for. In this case there is a sewer line that runs by it, and in other cases there has been no sewer line even within 5 or 6 miles. We wouldn't support a zone change requiring sewer in that case. We do not look at it as part of the criteria.

**MOTION
Findings of Fact**

Cross made a motion seconded by Toavs to adopt Staff Report FZC-07-08, with the supplemental information. As findings-of-fact.

**BOARD
DISCUSSION**

Cross stated there had been talk about the sewer and felt there was some conflicting information. He couldn't find anything in the staff report where there would need to be septic.

Fleming agreed.

Hogle said he didn't verbalize it but the information was included in the report under proposed zoning, R-1, he included that in the definition of the district. Within R-1 it is not necessarily typical to be connected to public sewer. In this case they happen to be annexed according to the district. That is the districts policy.

**ROLL CALL
Findings of Fact**

On a roll call vote the motion passed unanimously.

**MOTION
Approval**

Cross made a motion seconded by Hines to adopt Staff Report FZC-07-08 and recommended approval to the Board of County Commissioners.

**BOARD
DISCUSSION**

Fleming stated she was not in favor of the zone change. It occurred to her that it is all commercial along the highway and she didn't think 1 unit per acre was a good idea. She spoke of her concerns regarding the density.

Conger spoke about the topography and the density. He agreed with Flemings' concerns regarding the density.

**ROLL CALL
Approval**

On a roll call vote the motion passed 6-1 with Fleming dissenting.

**FPPUD-07-02/
FPP-07-33
SADDLEHORN II**

A request by Quarter Circle LA Ranches, Inc., for Preliminary Plat approval of Saddlehorn II, a residential mixed use (180 residential units, 2 commercial lots and 8 open space parcels) Major Subdivision and Planned Unit Development on 558.87 acres. Lots in the subdivision are proposed to have public water and sewer systems. The property is located south of MT Highway 209 in Bigfork.

STAFF REPORT

Kirsten Holland reviewed Staff Reports FPPUD-07-02 and FPP-07-33 for the Board.

**BOARD
QUESTIONS**

Cross asked if 2 lots were aggregated by a buyer, would the applicant lose a developable lot and be able to create another lot. In his opinion they would have sold both lots.

Holland replied it had happened in another development in Bigfork in the past. There had been discussion about the fact that if someone bought 2 parcels does the developer then retain the right to develop that unit elsewhere. In this case, in her opinion, the answer would be no. The application is 320 units on 800 acres, and if they sell that lot it would require an amended application. They couldn't just put it somewhere else. The planning office is pretty stringent about open space and how it would have to remain that way. The applicant has offered, with no request from staff, to put that all into a conservation easement.

Cross said the reason he brought it up was because if it's a PUD and it's in the application, does that mean the board is in effect approving that language because it's in there.

Holland stated it would probably benefit the board and the county to add a condition saying once it's platted, that's it. So if someone wanted to buy 10 lots, in her opinion, they've gained the sale of 10 lots, so they've lost the right to develop that.

APPLICANT PRESENTATION

Doug Averill, the applicant, stated this is a continuation of the neighborhood plan from 2005. Basically they stayed with the same plan all the way through, all the numbers. The concept is the same and as they move along, they engineer it to another level and study the land. But the concept is still the same and so are the numbers. They are consistent all the way through with the neighborhood plan. They wanted to fit with the character of Bigfork. It's designed for low density and they are trying to fit something to this land that stays in character with Montana. It's been a real challenge because it's a mountainous piece of property with lots of rock.

He introduced and spoke of the engineers working on the various phases and stated they've done a good job trying to fit the roads in with the topography. The theme of the project is early pioneer. They are trying to have people be minimalistic rather than build trophy homes. The idea is they downsize everything and still maintain quality. They do have a covenant stating 4000 feet is the largest a person can have under one roof. If a homeowner had to have more than that, ideally they could build a breezeway to get to a guest cabin, sleeping cabin or a gazebo. It gets away from the idea there is one large roofline. The project has a whole set of amenities to it. It's recreational based and tied to the lake through Woods Bay Marina, which is under construction now. One of the biggest changes is Pacificorp utility company now owns 198 acres abutting the property. It was always their intent to preserve this property as a park. He spoke of the entries to the property and pointed them out on the map. He also pointed out the roads and accesses and gave a status report for each of the phases. He spoke about Ranch Development from the 1970's and said the intent is to have a crash gate installed so people don't use Ranch Road as a main access point in and out of the subdivision. He spoke about the water tank arrangement with the Ranch Subdivision, saying the subdivision provided an easement for a tank site to provide the water. They split the cost of the tank. The tank will come online early to the Ranch Subdivision and then come online later to the Saddlehorn development as they hook up to Bigfork. It seemed to be a good neighborhood project and also gives Bigfork static pressure on this side of town. He pointed out where 2 other pressure tanks would go in and spoke of the water systems and how they will work.

The project is patterned somewhat after the national parks theme, they wanted to save the best places for people that live there rather than build the house on the highest hill. They've kept the nice peaks and set aside parks. There are several parks throughout the property and he pointed those out on the map. They tried to protect view sheds all through the property; homes are not seen from the highway. They didn't intend it to be when they started the project, but it became a green community with a lot of neat features throughout. A representative from the US Green Building Council stated this project has more environmentally sustainable attributes than any she had ever seen throughout her travels in the world. They realized they had

a lot of neat features such as less lighting, less size, protection of view sheds, wildlife and wastewater control; all sorts of things built into it. Dr. Williams is working with them and a gentleman named KC Dudley is working with them to set up design guidelines. For example, every home would have a CHP (controlled heating and power unit) unit in them, all the best doors and windows, and roofing material to maximize the efficiency. He spoke about a pilot project for green built visionary projects that help protect the land without tearing it all up. He referenced a foundation they had set up because they felt the county doesn't have an impact fee, so they imposed their own. One-half percent of every sale, now and in the future, goes into the community foundation. That foundation already has over \$50,000 in it. They've instituted a natural planting program, working with Glacier National Park, to try to have the best natural plants using minimal water and having wildlife control. The whole road system is designed to minimize vehicles. The protocol is, once people are there, they park their vehicle and ride in a cart or on a bicycle into Bigfork. This project is a little over a mile from Bigfork so people can cart into town on back streets and paths to get to the theater, post office, grocery store or golf course. They've had long discussions with the highway committee to rebuild the highway and cart paths trying to interconnect paths all through and clear up to Echo Lake. They've initiated a contractor training program. All contractors have to go to a sustainability program to learn how they want the garbage controlled on site, how they would want the best materials, how they would want the laborers to act on site and they would want them to carpool. They are trying to coordinate a system to have workers carpool to the site. They are also negotiating to have a recycling program in Bigfork. The project has been designed for family and social interaction. They would like to see families that live in project, also work in the project. That would provide security 24 hours a day. He talked a little bit about the water and sewer and of the routing of the sewer lines and pointed it out on the map. He spoke of a highway study that had been done and the fire station on site with specialized fire equipment for the topography. He pointed out which properties had already been sold in the first phase and stated just about everybody that's in there is a generational person from Bigfork. It's not a specialty crowd.

BOARD QUESTIONS

Cross asked if they would re-do the traffic study now that the accesses had changed.

Averill replied no he thought the traffic study had been done for that entry already. It would stay the same.

AGENCY COMMENTS

None.

**PUBLIC
COMMENT**

Craig Wagner, 1365 LaBrant Road, said he had been on the concept of Saddlehorn ever since it first came out. He probably, with a few notes, could give the same speech that Averill does. It is the most complete, well thought out environmental system he's ever seen in the state of Montana. It should be a model for this state and this country. He urged the board to approve the proposal.

Jerry Berndt, represented the Ranch Subdivision, spoke about some of the issues that had been brought up at the BLUAC meeting. They concerned drainage, roads and emergency vehicle accesses. They have been in negotiations with the Averills' in good faith and hopefully they can resolve the issues they've had. The Ranch Subdivision is in line to feel the most impact in all of Bigfork. His hope is to continue with the negotiations and everything gets solved. He reiterated those concerns and stated if they can't come to a thorough agreement they would like to readdress those issues at a later date.

KC Dudley, out of Bozeman, is the green building consultant on the project. He wanted to voice his comments as a Montana citizen and not as a representative of the proposal. He spoke about lighting and said we can't slow development and we can't slow growth in these beautiful places. People will come. What's beautiful about what's going on with this project is that the planning boards in Bozeman and Big Sky were in the same situation this board is in tonight. While we can't stop growth, they did have a choice on what type of development leadership they wanted to support. That's a long term process that is really valuable not only to the community members but to the visitors of the state. He encouraged the board members to think about the decision, do we want to go down the Big Sky, Yellowstone path, or do something different.

George Darrow, a resident of Bigfork for over 30 years, said this is the kind of project Bigfork had tried to attract and tried to support for the last 20 years, since the 1993 Bigfork Neighborhood Plan was adopted. Bigfork is fortunate in having a project of this size and quality, adjoin his neighborhood. They are just across the Swan River from where the town of Bigfork located and where most developments use up some of the special attributes of the Flathead and Bigfork area. They are consumed and co-opted he thought, and they are fortunate that the Averill family and Saddlehorn are here and are brining something to the Bigfork community and Flathead County, and the state of Montana will benefit with this development they are undertaking.

Greg Mattlich, project inspector, stated he has been involved in construction and engineering in the valley for 50 years. He is currently the project inspector for Saddlehorn I. His job is to make certain the state and county regulations are met in regards to installation of the sewer and water lines, construction of the roads and materials, etc... Although the bill goes to Mr. Averill, the answers go to the Bigfork

District. He wanted to comment that in 50 years of being involved in construction, this is the most elaborate construction you could ask for. There is never a question of can I slide by, as opposed to what's the best way to do it. They always go with the best way to do it. It's not uncommon to spend \$10,000 to save a tree. There are not too many developments that pay that much attention to detail. If you're a horse person, this is Disneyland. If you like western nostalgia you would be quite pleased with what you see.

Stan Converse, owns property on Swan Lake and his family has lived in Bigfork for about 25 years. He commented that all the local people in Bigfork are in support of this project. People are really excited about what's coming with respect to the Saddlehorn development. It's a positive impact on Bigfork and the local economy with local families and local jobs. It has a wonderful, positive impact on the environment. Some of the things Mr. Averill had mentioned about what his family had done for the community for the last 62 years is a really small snapshot of all the really good things they do for Bigfork and the community.

Clint Walker, 1040 Cowboy Way, spoke about seeing this development from the air. He stated that looking from Bigfork across the lake he can see major devastation taking place from developments 6 ½ miles away. Yet, from downtown Bigfork he can look up at the Saddlehorn development and not see anything. From the air he can look at Saddlehorn and it looks pristine. It really is something special and should be approved.

Frank Landis, 485 West North in Columbia Falls, said he is a third generation Flathead Valley resident. He spoke about how Flathead used to be one big farm, that's how he recalled it. He wanted to remind people that phase 1 of Saddlehorn was almost, in effect, a rescue mission. The owners had bought it from another developer who, for all intense and purposes, could have put up to 1000 units in a very pristine area of Bigfork. Being a developer, he stated it is very uncommon for someone to take a piece of property and not develop it to its full potential. He reiterated all the best parts of this piece of property are saved for the community and not for building trophy homes on top of mountains. He was attracted to this project primarily because of that anomaly. The bottom line is they care. They care about the Flathead and they care about Bigfork and preserving some of this beautiful place for generations to come. He asked the board to support this application.

Gezina Thompson, stated it was a pleasure to work with a team under the experienced leadership of Mr. Averill because it's very rare you hear an idea expressed that says, what will this do to the community of Bigfork, and how can we involve the people of Bigfork? It's all about integration. She commented that her experience here goes much

farther than care, its love. It's really a community that comes together and wants to do the right thing. If a team always looks to find anything new in the development world to apply here, and then wants to apply all the new technology from around the world, that's exciting because we're talking future.

**STAFF
REBUTTAL**

None.

**APPLICANT
REBUTTAL**

None.

**MOTION/
FPPUD-07-02
Findings of Fact**

Cross made a motion seconded by Hines to adopt Staff Report FPPUD-07-02 as Finding of Fact.

**BOARD
DISCUSSION**

Cross had concerns regarding a condition and wasn't sure if it was in the PUD plan or the Preliminary Plat application.

Harris clarified saying typically you don't have findings-of-fact as you would find in a subdivision application. It's usually a resolution that would be your finding-of-fact. In this case, he thought it would be appropriate to acknowledge that the plan was done and consistent with the Flathead County zoning regulations and also with the planning designation and the land use plan. That ought to suffice in terms of any findings.

Cross asked Harris if he wanted to add something regarding further subdivision of platted lots, should that be in the PUD section or rather the Preliminary Plat conditions.

Harris said he would add it under both. If the board wants to address the issue of re-subdivision to maximize density they needed to address it in the plan and conditions of preliminary plat. They could adopt the staff report as findings-of-fact.

**ROLL CALL
Findings of Fact**

On a roll call vote the motion passed unanimously.

**MOTION/
Approval
FPPUD-07-02**

Fleming made a motion seconded by Conger to recommend approval to the Board of County Commissioners.

**SUBSIDIARY
MOTION/
Condition #6**

Cross made a motion seconded by Fleming to add condition #6 to read: The PUD plan shall be amended to prohibit the creation of additional lots by the developer in the event two or more lots are aggregated by a purchaser. No further subdivision of platted lots shall be allowed.

**BOARD
DISCUSSION**

Conger brought up the concern regarding a buyer that purchases 2 or more lots.

Harris suggested the board should amend the PUD plan on page 12, paragraph 5, or delete the second sentence through the paragraph and leave the first sentence. He didn't want the board to send mixed signals.

Conger wanted clarification as to whether or not the language in the application would be the final adopted PUD language that they then use for the PUD.

Harris said yes that's correct, and it is in effect the zoning.

Cross stated it is confusing when it says lots and units.

The board discussed at length the issue regarding how they should change conditions, text, maps etc. in the PUD plan and the preliminary plat.

**ROLL CALL
Condition #6**

On a roll call vote the motion passed unanimously.

**SUBSIDIARY
MOTION**

Cross made a motion seconded by Conger to strike paragraph 5 on page 12 of the PUD plan.

ROLL CALL

On a roll call vote the motion passed unanimously.

**ROLL CALL
Approval
FPPUD-07-02**

On a roll call vote the motion passed unanimously.

**MOTION/
FPP-07-33
Findings of Fact**

Conger made a motion seconded by Mower to adopt Staff Report FPP-07-33 as Findings-of-Fact.

**ROLL CALL
Findings of Fact**

On a roll call vote the motion passed unanimously.

**MOTION/
Approval
FPP-07-33**

Conger made a motion seconded by Fleming to adopt Staff Report FPP-07-33 and recommended approval to the Board of County Commissioners.

**BOARD
DISCUSSION**

Cross asked Toavs about the first time Saddlehorn came up, there being a lot of things added regarding conditions for roadways; primarily the concern about emergency vehicles.

Toavs stated there is now a road standard and why this development should be exempt from that he doesn't understand. It was not in Saddlehorn I so he didn't bring it up tonight. But from a safety standpoint it should be in there. If someone wanted to make a motion he would support it.

**SUBSIDIARY
MOTION
Add Condition
#28**

Cross made a motion seconded by Conger to add condition #28 to read: *There shall be no further subdivision of platted lots.*

**ROLL CALL
Add Condition
#28**

On a roll call vote the motion passed unanimously.

**SUBSIDIARY
MOTION
Amnd Cond #24**

Cross made a motion seconded by Conger to amend condition #24 to read: ~~Emergency access routes shall meet secondary access standards as set forth in Table 3 Road Development Standards of the Minimum Standards for Design and Construction of the Flathead County Road and Bridge Department.~~ *The PUD final plan reviewed in report FPUD-07-02 shall be approved by the County Commission prior to final plat approval of any phase of the preliminary plat application.*

**ROLL CALL
Amnd Cond #24**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

Cross reminded Holland about her comment regarding condition #21.

Holland thought the board might want to clarify gated emergency access points at the 2 locations on Ranch Road. She pointed out the access points on the map and told the board which ones would be gated.

Cross asked if that mattered other than to be breakaway gates.

Holland said it matters to the people that live in the Ranch Subdivision to make sure it's not used as a through road.

The board discussed the road names and which ones would need to be gated as emergency access routes.

**SUBSIDIARY
MOTION
Amnd Cond #21**

Cross made a motion seconded by Conger to amend condition #21 to add: *Emergency egress points accessing Ranch Road shall be gated.*

**ROLL CALL
Amnd Cond #21**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

Holland wanted to say something before the board voted. Number one, the applicant has stated the open space will be in a conservation easement, but the board might want to discuss a condition related to that. (The applicant approached Holland and stated they do not support a conservation easement).

Ralph Walton stated it's not that they do or don't support it; it's a problem with having it be required. If they ever want to do it they want to do it voluntarily. They never brought it up that way but they want to have that option. That way they can maintain the donation.

Holland said she brought it up because in Saddlehorn I, the application states that Ranch Road will be improved from Barn Dance Drive to Highway 35. In their application that's on the table tonight, they say 24 feet. Saddlehorn I, condition #24, approved by the commission, stated that if is used as an emergency access, Ranch Road shall be constructed to a 20 foot paved travel surface from Barn Dance Drive to Highway 35. With all due respect to the applicant, she asserted that because it's going to be primary access, and not emergency access, as stated in Saddlehorn I, that it does make sense to do what they say they are going to do and that's 24 feet not 20 feet as approved with Saddlehorn I. She brought it up because her condition already says 24 feet so the board doesn't have to add a condition. She wanted to be clear why she asked for 24 feet instead of the 20 that had already been approved. In case it comes up later she wanted it to be known it is now primary access, not emergency.

Mike Fraser stated when the application was submitted in August they did not have a 60 foot easement. They had to have a primary ingress and egress since they only had a 40 foot easement on a portion of the property. (He pointed the access point out on the map). That made condition #20 logical. In October they obtained the 60 foot easement and now it will become a primary access. Ranch Road will no longer be a primary access. It's a secondary access, and all the traffic will be off of Highway 209. His suggestion for condition #20 was rather than obligate them to 24 feet change the condition to read that Ranch Road will be widened from the 16 foot paved surface to meet subdivision requirements. That gives them the flexibility to move through the system and make improvements as necessary.

Harris stated the standard for an emergency access road under the road design standards is 22 feet of surface, either paved or gravel. They have a deficient road at 16 feet through the subdivision. Any other subdivider we would require them to bring that road up to county standards for that portion that extends outside of the PUD. It shouldn't be an issue to the developer to bring that road up to what we would require of anybody else. He also thought it should be gated unless it was going to be a primary access.

Fleming commented if she lived there she would be going out the shortest way. She said there should be two ways out of there without having to go through a gate. She didn't think they needed to gate the road. It should be whatever the subdivision regulations require.

Cross thought the condition should be changed to reflect county standards and the board should be clear about what they want. It doesn't matter how many feet should be paved, it should just be built to county standards.

**SUBSIDIARY
MOTION
Amnd Cond #20**

Cross made a motion seconded by Toavs to amend condition #20 to read: Ranch Road will be widened from a 16-foot paved surface to a ~~24-foot paved surface~~ *paved county standard* from the primary access point to Highway 35.

**ROLL CALL
Amnd Cond #20**

On a roll call vote the motion passed unanimously.

**ROLL CALL
Approval
FPP-07-33**

On a roll call vote the motion passed unanimously.

OLD BUSINESS

Harris stated he would like to address the Riverdale Neighborhood Plan.

**MOTION/
RIVERDALE**

Conger made a motion seconded by Cross to remove the Riverdale Neighborhood Plan from the table for the purpose of continuing discussion.

The motion passed by quorum with Fleming voting no.

**BOARD
DISCUSSION**

The board discussed possible dates for continuing the discussion of the Riverdale Neighborhood Plan.

MOTION

Conger made a motion seconded by Toavs to reschedule the hearing of the Riverdale Neighborhood Plan on November 27, 2007.

The motion carried by quorum.

**BOARD
DISCUSSION**

Hines asked if a second date should be chosen and set just in case the 27th falls apart for some reason. Then the board would not have to go through this again.

MOTION

Hines made a motion seconded by Mower to set an alternate night for the continued discussion on the Riverdale Neighborhood Plan in case November 27, 2007 falls apart. (They set December 5, 2007 as the alternate date.)

The motion carried by quorum.

BOARD DISCUSSION

Dziza asked if a second date could be set.

Harris stated they could certainly select the next meeting date and then if they don't get through everything on November 27th they would have a second date already set. He wouldn't suggest they select 2 days and then say if they don't have a quorum they go to the next date. That gives the public the wrong message. He reiterated what Hines had stated saying if they didn't get through everything the first night they could use the second night to finish.

Hines stated this whole thing had been stretched out too long.

The board discussed possible dates as an alternate.

Lacy Galpin asked Hines why he would be stepping down for the hearing.

Hines stated it was for personal reasons.

Galpin commented it had nothing to do with any connection with Riverdale or anything like that.

Hines stated one of the applicants, at one time, he had an issue with and he is not comfortable with it. It's a moral issue more than anything else.

Galpin commented she understood and believes she knows what he is referring to.

Hines said it's best to step down.

Galpin asked if he was saying maybe he had bad feelings about that person and he doesn't want to have that influence him.

Hines said he would not elaborate.

NEW BUSINESS

Harris handed out pamphlets provided by Stoltze regarding setbacks on streams and rivers. He also handed out changes made by Cross regarding the Riparian setbacks.

He spoke to the Board and filled them in on where they left off at the last meeting and told them which sections they had left to go over in the subdivision regulations. (4.7.7(n) Lots-Remainders; 4.7.18 Roadway Improvements; 4.7.27 Fire Protection; 4.7.28 Wildland Urban Interface; 4.7.10 Floodplain Provisions and the Appendices)

Cross asked if staff could wear nametags for meetings.

Conger asked if new staff members could be introduced when hired.

Harris stated we do that already but nametags would not be a bad idea.

Harris spoke about the Land Use Committee of the LRPTF, Myrt Webb, who had put together a report and presentation on land uses that had been given to the task force and the commissioners. He asked the planning board members if they would be interested in hearing the presentation.

ADJOURNMENT The meeting was adjourned at approximately 9:10 p.m. on a motion by Mower seconded by Toavs. The next meeting will be held at 6:00 p.m. on November 28, 2007.

Gene Dziza, President

Mary Sevier, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 12/19/07